

## Message Text

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 COA-02 EB-11 OIC-04 CIAE-00

DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-15 ACDA-19 AEC-11 AGR-20 CG-00

COME-00 DOTE-00 FMC-04 INT-08 JUSE-00 NSF-04 OMB-01

TRSE-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSR-01 /239 W

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R 300730Z JUL 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 819

INFO USMISSION USUN NY

UNCLAS GENEVA 3975

E.O. 11652: N/A

TAGS: PBOR, UN

SUBJECT: LOS: SC-I WG MTG JULY 24, MORNING SESSION

1. WG REVIEWED POWERS AND FUNCTIONS COUNCIL IN REGARD CARRYING OUT SPECIFIED AND DELEGATED DUTIES; MAKING RECOMMENDATIONS TO ASSEMBLY; ENTERING INTO, IMPLEMENTING AND ADMINISTERING ARRANGEMENTS BETWEEN AUTHORITY AND UN OR OTHER INTERGOVERNMENTAL ORGANIZATIONS; MAINTAINING LAW AND ORDER, AND DISPUTE SETTLEMENT.
  2. WG DEBATED WHETHER PROVISION AUTHORIZING COUNCIL TO CARRY OUT SPECIFIED DUTIES WAS NECESSARY. US REP ASKED IT BE RETAINED FOR PRESENT.
  3. USSR REP PROPOSED ALTERNATIVE TEXT ON POWERS OF COUNCIL TO MAKE RECOMMENDATIONS TO ASSEMBLY. US REP ASKED FOR PROVISION WHICH WOULD GIVE ASSEMBLY POWER TO ADOPT AND APPROVE COUNCIL RECOMMENDATIONS BE DELETED UNTIL GENERAL QUESTIONS OF POWERS AND FUNCTIONS OF ASSEMBLY HAVE BEEN SETTLED. ALGERIA SUPPORTED US
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AND SOV COMMENTS AND EXPRESSED FEAR COUNCIL MIGHT

RECEIVE POWERS WHICH WOULD EXCEED ITS COMPETENCE.  
HE PROPOSED ENTIRE PROVISION BE PLACED IN BRACKETS.  
PROVISION WILL NOW GO TO INFORMAL WG FOR FURTHER CONSIDERATION.

4. THERE WAS BRIEF DISCUSSION ON RELATIVE ROLES OF COUNCIL AND ASSEMBLY ENTERING INTO AND IMPLEMENTING ARRANGEMENTS WITH UN AND INTERGOVERNMENTAL BODIES.

5. UKRAINE ASKED MALTESE PROVISION ON MAINTENANCE OF LAW AND ORDER BE DELETED AND REPLACED BY PROVISION WHICH WOULD AUTHORIZE COUNCIL DISCUSS ANY QUESTION RELATING TO OBSERVANCE OR IMPLEMENTATION OF ARTICLES. US ASKED ADDITIONAL PHRASE "AND TAKE APPROPRIATE ACTION THEREON" BE ADDED TO UKRAINE AMENDMENT.

6. MOST OF SESSION WAS DEVOTED TO DISCUSSION COUNCIL FUNCTION IN REGARD TO DISPUTE SETTLEMENT. SPANISH REP ARGUED BASIC ROLE IN DISPUTE SETTLEMENT SHOULD GO TO TRIBUNAL. HE ASKED PHRASE "NOTWITHSTANDING THE POWERS OF TRIBUNAL ESTABLISHED IN THIS TREATY" BE ADDED TO PROVISION ON DISPUTES. UK REP ASKED ENTIRE PROVISION BE DELETED AND COUNCIL FUNCTION BE LIMITED TO SEEKING AN ADVISORY OPINION FROM TRIBUNAL. USSR REP SUPPORTED SPANISH AMENDMENT AND CONCEPT OF INDEPENDENT TRIBUNAL WHICH SHOULD SETTLE DISPUTES. MALTA SAID PRESENT TEXT INADEQUATE AND DESCRIBED VARIETY OF DIFFERENT TYPES OF POSSIBLE DISPUTES AND PROPOSED COUNCIL HAVE DIFFERENT FUNCTION FOR DIFFERENT DISPUTES. GHANA REP ARGUED COUNCIL SHOULD NOT BE BURDENED WITH DISPUTE SETTLEMENT RESPONSIBILITIES AND THAT ESTABLISHED PROCEDURES SHOULD BE USED. HE SPECIFICALLY OBJECTED TO REF TO DISPUTE SETTLEMENT PROCEDURE OF UN CHARTER ART 33. ALGERIA OPPOSED REF TO DISPUTE SETTLEMENT METHODS IN ART 33 ALSO. HE STATED DISPUTE SETTLEMENT ARTICLE WOULD HAVE TO BE REWRITTEN.

7. US REP STATED IN REGARD TO INTERVENTION BY GHANA THAT TREATY WILL DEAL WITH DAY-TO-DAY COMMERCIAL ACTIVITIES. IT WOULD BE UNDESIRABLE CLOG ICJ CALENDAR WITH DISPUTES ARISING FROM SUCH ACTIVITIES. WHAT WILL BE NEEDED IS EASY, RAPID SETTLEMENT AND THIS WILL

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REQUIRE SPECIAL TRIBUNAL. JAPANESE REP SAID DISPUTE SETTLEMENT EXTREMELY IMPORTANT AND WILL REQUIRE INDEPENDENT SET OF ARTICLES. HE OBSERVED IT IS NOT POSSIBLE TO DENY COUNCIL OR TECHNICAL COMMISSIONS ROLE IN DISPUTE SETTLEMENT. HE SUGGESTED PROVISION WHICH WOULD GIVE COUNCIL POWER TO ASSIST IN SETTLING DISPUTE IN IMPLEMENTATION OF TREATY ARTICLES. SEVERAL DELS INCLUDING MALTA, ALGERIA AND JAPAN ATTEMPTED DRAW DISTINCTION

BETWEEN VARIOUS TYPES DISPUTES, POLITICAL AND LEGAL,  
BETWEEN STATES AND BETWEEN AUTHORITY AND PARTIES,  
INVOLVING TREATY OR NOT. THESE DELS SUGGESTED THAT  
DIFFERENT TYPES OF DISPUTES BE HANDLED IN DIFFERENT  
WAYS. ONLY US ADDRESSED QUESTION OF PURELY COMMERCIAL  
DISPUTES.BASSIN

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